

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF EMERY COUNTY COMMISSIONERS
HELD IN THE EMERY COUNTY COURTHOUSE

AUGUST 13, 2013

Present at the meeting was Commission Chairman Jeff Horrocks, Commissioner JR Nelson, Commissioner Ethan Migliori, Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox, other elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS AND DISPOSITIONS.

The Warrant Check Edit List # 229235 through and including #226418 was presented for payment.

Requisitions were presented for the following:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
58-13	(2) Razor HD Spotting Scopes Sheriff	\$ 2,719.98

There were no dispositions.

(2)

APPROVAL OF PERSONNEL ITEMS:

- A. Approval to hire Susan Hess as Assistant Librarian in the Huntington Library, Grade 7, not eligible for benefits.
- B. Approval of 3% increase for Carol Furner for successful completion of 6 month orientation period.
- C. Approval of promotion of Coby Hunt to Green River Crew Lead, Grade 21, and 1.5% longevity increase will follow him.

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(3)

APPROVAL OF COMMISSION MEETING MINUTES DATED JULY 23, 2013.

Commissioner JR Nelson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA

Nothing.

(2)

PRESENTATION OF EMERY COUNTY EMPLOYEE OF THE MONTH

Commissioner Ethan Migliori presented Employee of the month to the USU Extension office staff. Dennis Worwood and Christine Jensen are employees of Utah State University and Gaylene Warburton is employed by Emery County as support for this office. The Extension Office is the driving force behind the Southeastern Utah Junior Livestock Show which just held it's 75th successful show and also the exhibits at the County and State Fair. But these two events are only a small part of the things they do.

Christine runs summer 4H programs which hold weekly activities in Green River an western Emery County. This is where a lot of the exhibits for the fair come from. She also holds the ever popular "Festive Fridays" as well as teaches classes on money management, nutrition and skills to troubled youth.

Gaylene is the point contact for office patrons and either provides information for them or directs them to the appropriate person. She is also the Treasurer for the Southeastern Utah Jr. Livestock Show and helps with all aspects of the 4H programs.

Dennis serves on many county boards. No matter what the subject is- he can answer you question. In a commissioner training, it was one stated that 'if you don't know anything about a subject-go to your extension agent for the answer".

Their job description is to provide research-base information to help Emery County citizens reach their goals and live better, more productive lives-of which they are doing a great job.

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They were presented a plaque and goodies for their office.

(3)

RICHARD BRASS, DISCUSSION OF NEED FOR TURN LANES AT THE EAST END OF THE GREEN RIVER CUTOFF ROAD. CONSIDERATION AND APPROVAL TO APPROACH UDOT WITH RECOMMENDATION.

Mr. Brass was not present at the meeting. Commissioner JR Nelson made a motion to move this item to the end of the agenda. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(4)

SITE ACCESS AGREEMENT BETWEEN EMERY COUNTY AND PACIFICORP FOR USE OF PROPERTY TO DISPOSE FILL GENERATED FROM THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE HUNTINGTON DEBRIS BASIN.

Commissioner Ethan Migliori made a motion to table this item and move it to the August 27th meeting as recommend by Attorney David Blackwell. The motion was seconded by Commissioner JR Nelson. The motion passed.

(5)

APPROVAL OF BID AWARD/CONTRACT/ NOTICE TO PROCEED FOR HUNTINGTON LIBRARY ROOFING PROJECT.

Commissioner JR Nelson made a motion to award the bid for the Huntington Library Roofing Project to Arrowhead Construction and authorize the signing of the contract and provide notice to proceed with the project. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(6)

APPROVAL TO ADVERTISE TO FILL A BOARD VACANCY ON SOUTHEASTERN UTAH HEALTH BOARD OF DIRECTORS.

Commissioner Nelson indicated that there has been a resignation from the Southeastern Utah Health Board of Directors. The position on the board needs to be filled with someone who is not involved in the health industry. Commissioner Ethan Migliori made a motion to advertise to fill a board vacancy on the Southeastern Utah Health Board of Directors. The motion was seconded by Commissioner JR Nelson. The motion passed.

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(7)

APPROVAL TO APPOINT SHIRLEY BEGAY AS A MEMBER OF EMERY COUNTY
HISTORIC PRESERVATION COMMISSION.

Commissioner JR Nelson made a motion to appoint Shirley Begay as a member of Emery County Historic Preservation Commission. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(8)

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN EMERY COUNTY AND
STATE OF UTAH, DEPARTMENT OF AGRICULTURE, FOR FUNDING FOR INVASIVE
SPECIES MITIGATION.

Commissioner Horrocks indicated that this is a continuation contract for \$70,000.00 to mitigate the Russian Olives previously identified as an invasive species by the Emery County Commission.

Commissioner JR Nelson made a motion to approve of a contract between Emery County and State of Utah, Department of Agriculture, for Funding for invasive species mitigation. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF SETTLEMENT AGREEMENT BETWEEN UTAH
STATE TAX COMMISSION/EMERY COUNTY AND CHAPTER 7 TRUSTEE OF C.W
MINING COMPANY BANKRUPTCY.

Attorney David Blackwell reviewed the settlement agreement between Utah State Tax Commission, Emery County and Chapter 7 Trustee of C.W. Mining Company bankruptcy. Mr. Blackwell indicated that this is a first step in seeing this issue resolved and recommended signing the settlement. Commissioner Ethan Migliori made a motion to approve of settlement agreement between Utah State Tax Commission, Emery County and Chapter 7 Trustee of C. W. Mining Company bankruptcy. The motion was seconded by Commissioner Jr Nelson. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF EMERGENCY MUTUAL AID INTERLOCAL
COOPERATIVE AGREEMENT.

This is an interlocal agreement with Association of Governments for emergency mutual aid with

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Carbon County, Emery County, Grand County and San Juan County. The agreement identifies the level of assistance these counties will provide in the event emergency aid is provided by each of these counties. Attorney David Blackwell indicated that the document needed a date correction, otherwise he recommended signing the agreement. Commissioner Ethan Migliori made a motion to approve of Emergency Mutual Aid Interlocal Cooperative Agreement. The motion was seconded by Commissioner JR Nelson. The motion passed.

(11)

COMMISSION/ELECTED OFFICIALS REPORTS

Commissioner Nelson

Commissioner Nelson asked Public Lands Director, Ray Petersen to report on a recent tour of Huntington Canyon and the proposed debris basins. Ray indicated that the tour is an annual event with the Forest Service. The site was chosen because of the recent flooding and damage to the area due to the Seely Fire of 2012. They visited the area where the debris basins will be constructed and damage to the creek beds repaired.

Commissioner Nelson reported that the fire restrictions have been lifted due to the recent rains.

Commissioner Migliori

Commissioner Migliori reported on Historic Preservation efforts to place signs in various areas near the Buckhorn.

The Emery County Rodeo and Fair was an apparent success. They have received favorable comments and stayed within budgets thanks to the hard work of Fair Director Julie Jones and the Recreation District Director Jake Atwood and his staff. Commissioner Migliori informed the public that Delynn Fielding has accepted a position with Regional Outreach Development. We are not sure how that is going to affect economic development in our sister county (Carbon County). The Museum of the San Rafael is still working on getting artifacts for the museum for their annual Festival at the end of August. He is still working on the Main Street Incentive Program designed to help small retail businesses strengthen and grow.

Commissioner Horrocks

Commissioner Horrocks reported on attending an open house with Congressman Bishop and Congressman Chaffetz. Discussions centered around a proposed land use bill being introduced by Congressman Bishop. Ray Petersen added that Emery County does not have a land use bill. Emery County supports the language being incorporated into a bill. Commissioner Horrocks attended a big game RAC meeting where they discussed fur bearing permits and hunts. They

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also discussed introducing goats to the Manti-LaSal Mtns. There were many against this proposal because goats are not native to the Manti-LaSal. He also discussed a lengthy conference call where they discussed the pertinent details regarding the construction of the debris basin in Huntington Canyon. He talked about the \$70,000.00 approved for the mitigation of Russian Olive brush and how the Weed/Mosquito Department is determining how to spend the funds. Mike McCandless has been working on a proposal to get natural gas to Green River and Emery. Lawrence would like to be included in that proposal.

RECESS MEETING UNTIL 6:00 PM

Commissioner JR Nelson made a motion to recess the meeting until 6:00 pm. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

Commissioner JR Nelson made a motion to leave the regular meeting and move into a Public Hearing to receive public comment regarding proposed tax increase by imposing a judgement levy to pay back property taxes to PacifiCorp for Emery County and Castle Valley Special Service District and upon completion of the public hearing to return to the regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(12)

6:00 PM- PUBLIC HEARING- JUDGEMENT LEVY - To receive public comment regarding proposed tax increase by imposing a judgement levy to pay back property taxes to PacifiCorp for Emery County and Castle Valley Special Service District.

Commissioner Horrocks opened the Public Hearing and asked Clerk/Auditor Brenda Tuttle to provide a brief overview of the proposed tax levy.

Brenda explained that PacifiCorp appealed their property taxes from 2006 and 2007 with the Utah State Tax Commission. PacifiCorp won that appeal. Emery County was ordered to pay back taxes in the amount of \$319,310.30. Castle Valley Special Service District was ordered to pay back \$131,441.99. Emery County School District was ordered to pay back \$399,886.83, Emery Water Conservancy District \$28,314.70 plus other small amounts totaling \$624.54. The total amount due back in property taxes to PacifiCorp is \$879,578.39. By imposing a tax levy it shifts the burden of paying this money back to the taxing entity, in this case PacifiCorp, instead of the homeowner/property owner. PacifiCorp will pay 67% of the money owed back to themselves. This is a one year tax levy only. After this year it goes away, provided PacifiCorp doesn't win another appeal.

Commissioner Horrocks opened the meeting to comments from the public.

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Richard Nielsen, Ferron asked that the county first look at tightening the budget before imposing another tax on the citizens. He suggested asking the departments to cut back on their expenses.

Bret Behling asked who does the assessment on these properties?

It was explained that Centrally Assessed Properties are assessed by the State Tax Commission. The county receives a book with all the Centrally Assessed Properties and their associated tax rates. As a County we do not have a say in how they are assessed.

Commissioner Migliori reminded the public that this is a one time only tax. Taxes will go back down by the same amount next year.

Commissioner Horrocks added this is not new money going into the county coffers. This money just pays back taxes to PacifiCorp of which they will only get a portion because they are paying themselves back by 67% of what is due back to them.

This was the end of the comment period. Commissioner JR Nelson made a motion to return tot he regular meeting. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(13)

CONSIDERATION AND APPROVAL OF IMPOSING A JUDGEMENT LEVY TO PAY
BACK PROPERTY TAXES TO PACIFICORP.

Commissioner JR Nelson made a motion to impose a judgement levy to pay back property taxes to PacifiCorp. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(14)

ADJOURNMENT

The meeting was adjourned.

ATTEST: _____ COMMISSIONER: _____